

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	:	CR. NO. 88-145-C (CR. NO. 88-35-C)
v.	:	
DAVID C. MADAY,	:	<u>INDEX TO THE GOVERNMENT'S</u> <u>APPENDIX</u>
Defendant.	:	

<u>DOCKET NO./</u> <u>INDICTMENT NO.</u>	<u>DESCRIPTION</u>	<u>PAGES IN THE</u> <u>APPENDIX</u>
No. 5 (Exhibit A only)/ Cr. No. 88-35	Search Warrant Application and Affidavit of U.S. Postal Inspector Ralph Harding dated June 19, 1987	1-25
No. 5 (Exhibit C only)/ Cr. No. 88-35	Inventory of items seized and/or returned under a Search Warrant, dated May 19, 1988	26-33
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* /Cr. No. 88-35 Government Supplemental Memorandum 103-113
 of Law submitted to the Hon.
 John T. Elfvin on June 22, 1988
 (filed simultaneously with the
 Affidavit under Docket No. 8/Cr.
 No. 88-35)

No. 10/Cr. No. 88-35 Memorandum and Order of the Hon. 114-119
 John T. Elfvin of August 2, 1988
 under Cr. No. 88-35


No. 20/Cr. No. 88-35 Memorandum and Order of the Hon. 120-134
 John T. Elfvin on May 16, 1989
 under Cr. No. 88-35

No. 18/Cr. No. 88-35 Memorandum and Order of the Hon. 135-142
 John T. Elfvin of March 28, 1989
 under Cr. No. 88-35

DATED: Buffalo, New York, August 10, 1990.

DENNIS C. VACCO
United States Attorney
Western District of New York
502 United States Courthouse
Buffalo, New York 14202

BY:


MARTIN J. LITTLEFIELD
Assistant U. S. Attorney

I. BAR ROOM

Description of Items Held as Evidence

SONY Trinitron Color Television (1) with remote control

Lloyds Video Cassette Recorder, Serial #9824016477

2 Video Cassettes (out of 15 originally seized) from shelves entitled as follows:

- #2) Heageats #3 8/85 (hardcore adult pornography)
- #3) Heageats XXX #1 8/85 (hardcore adult pornography)

A quantity of a green leafy substance found in bar drawer

Plastic bags containing a white powdery residue found in ice bucket in bar

3 Hemostats (drawer)

2 Packs of cigarette rolling paper (drawer)

1 Pipe (ice bucket)

1 Box with assorted drug paraphernalia (ice bucket)

Description of Items Already Returned To Defendant

13 Video cassettes (out of 15 originally seized) from shelves entitled as follows:

- #1) Property of D. Maday
- #4) Honeymoovers
- #5) Grand Island Nebraska
- #6) National Geographic "History of Space"
- #7) Honeymoovers
- #8) 2001: A Space Odyssey
- #9) Victory at Sea
- #10) Honeymoovers
- #11) Streetwise
- #12) Body by Garret
- #13) Reefer Madness
- #14) Things to Come
- #15) Godzilla vs. Megalon

Description of Items to Be Returned to Defendant

One picture of a boy taken from a drawer in the bar

3 Collages (pictures) taken from wall

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II. DINING ROOM

Description of Items Held as Evidence

20 Video Cassettes (out of 22 originally seized) titled as follows taken from cabinet:

- #1) Desert Paradise (homosexual acts among young men)
- #2) Peep Show (homosexual acts among young men)
- #3) New Kid in Town (homosexual acts among young men)
- #4) Jacks are Better (homosexual acts among young men)
- #5) Super Blue (homosexual acts among young men)
- #6) The Boys at Duffy Place (homosexual acts among men)
- #8) Stars in Your Eyes (homosexual acts among young men)
- #9) Tyger Tales (homosexual acts among young men)
- #10) Billcoopers (young men masterbating)
- #11) VVC-4 (young men masterbating)
- #12) European Classic (homosexual acts among young men)
- #14) Surf Boys (young men masterbating)
- #15) Untitled tape cockpit (young men masterbating)
- #16) Horney Jocks/Mr. Big (young men masterbating)
- #17) Sticky Business (homosexual acts among young men)
- #18) Boys Can't Help It (homosexual acts among men)
- #19) Hollywood at Large (homosexual acts among young men)
- #20) Any Where, Any Time (homosexual acts among young men)
- #21) You Are Along (young children naked and exposing genitalia)
- #22) Far Eastern Trading Co., Ltd. Pissing Lolita (subject of Indictment)

Description of Items Already Returned To Defendant

2 Video cassettes (out of 22 originally seized) titled as follows taken from cabinet:

- #7) Untitled Tape (no pornography)
- #13) Untitled Tape (no pornography)

Description of Items to Be Returned to Defendant

1 Photograph from drawer in cabinet

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III. UPSTAIRS OFFICE - Typist Table

Description of Items Held as Evidence

Smith Caronoa Typewriter, Electric, Serial No. GN32628
(identified as used by defendant in mailing to Far
Eastern Trading Company)

No Items for Return

IV. UPSTAIRS OFFICE - Area B Closet

Description of Items Held as Evidence

8mm Film Projector "K" - Keystone, Serial No. K6041

Description of Items to Be Returned to Defendant

Typewriter, Remington, Serial #HY671343

V. UPSTAIRS OFFICE - Area A Closet E-Z

Description of Items Held as Evidence

Film Viewer - 8mm, Sears Model 9383

Description of Items to Be Returned to Defendant

Keystone 8mm Camera, Serial No. 83679

Bar Light for Keystone 8mm Camera

7 Film Cannisters

Brown Photo Album

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VI. UPSTAIRS OFFICE - Area C, E-Z File Cabinet

Description of Items Held As Evidence

Manila Folder - Contains info on "Brothers/Sisters (Be a friend)"

Manila Folder - Foster Parents

Manila Folder - James Moline - "Be a Friend"

Manila Folder - Nick Sansone - "Be a Friend"

Manila Folder - Mickey Ryckman - (Little Brother)

1 Large Manila Envelope contains cards, letters and notes (Customs seizure, also)

No Items for Return

VII. UPSTAIRS OFFICE - Area E - Desk

Description of Items Held As Evidence

(Top Left Drawer) - 10 Manila Folders (out of 11 originally seized) containing various letters and correspondence (involving "Be a Friend" and NAMBLA material and "Far Eastern" catalog, including copy of order made by defendant)

One book marked "Sex Orgy" register

4 Audio cassette tapes (out of 14 originally seized)

Description of Items to Be Returned to Defendant

(Top Left Drawer) - 1 Manila Folder (out of 11 originally seized) marked "letters"

10 Audio cassette tapes (out of 14 originally seized)

Card index and address book

1 Packet of Polaroid pictures

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VIII. UPSTAIRS OFFICE - Area G-5 - Shelf on Wall

No Items Being Held

Description of Items to Be Returned to Defendant

- 1 Auto Directory address book
- 1 Tan photo album - with photos

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IX. UPSTAIRS OFFICE - Area D-Z Bottom of Gun Cabinet

Description of Items Held As Evidence

- Approx. 286 mags containing child porno and young males
in sexually explicit photos
- 1 packet order blanks for child porno and other
pornography
- 1 Large black notebook guide containing child porn
ads/news articles, magazines
- 18 brown manila envelopes contain nude photos of young
males
- 15 film boxes - some with film relating to child
pornography and young males in sexually explicit
photos

No Items for Return

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X. GUEST BEDROOM

Description of Items to Be Returned to Defendant

From Dresser - one (1) picture with writing "To Dave
from Aaron" from upper right drawer

One (1) notepad, upper left, containing letter signed
"love Aaron"

No Items Being Held

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XI. MASTER BEDROOM & WALK-IN CLOSET

Description of Items Held As Evidence

From Jewelry Box - white powdery substance in plastic bag

3 Magazines from desk:

- 1) Teenager Sex
- 2) Seventeen
- 3) Schul-Machen

4 Magazines from night table:

- 1) Where the Boys Are
- 2) White Assed Super Pricks
- 3) Ranger Dan
- 4) Men

4 Magazines from suitcase found in walk-in closet:

- 1) A Catalog of Personal Effects
- 2) The Snatch Sampler
- 3) Men
- 4) Sexual Dimensions

Description of Items to Be Returned to Defendant

Ford Code a Phone Serial #A349M

May 13, 1988/MJL

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In the District Court of the United States

For the Western District of New York

THE UNITED STATES OF AMERICA

-vs-

DAVID C. MADAY

AUGUST 1987 SESSION
(Impanelled 8/31/87) Term
SUPERSEDING INDICTMENT
No. CR88-85-E
Title 18, United
States Code,
Sections 2252 and
2 and Title 18,
United States Code,
Section 1461

COUNT I

The Grand Jury Charges:

Between on or about June 16, 1987 and June 18, 1987, in the Western District of New York and elsewhere, the defendant, DAVID C. MADAY, did knowingly cause to be mailed visual depictions, to wit, a video cassette entitled "Pissing Lolita"; the production of said visual depictions involved the use of minors engaging in sexually explicit conduct and said visual depictions are of such conduct and the defendant, DAVID C. MADAY, had knowledge as to the nature and character of such visual depictions; all in violation of Title 18, United States Code, Sections 2252 and 2.

COUNT II

The Grand Jury Further Charges That:

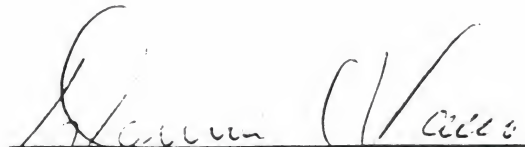
On or about June 18, 1987, in the Western District of New York, the defendant, DAVID C. MADAY, knowingly received a visual depiction which had been mailed, to wit, a video cassette entitled "Pissing Lolita"; the production of said visual depiction involved the use of minors engaging in sexually explicit conduct and said visual depictions are of such conduct and the defendant, DAVID C. MADAY, had knowledge as to the nature and character of such visual depictions; all in violation of Title 18, United States Code, Section 2252.

COUNT III

The Grand Jury Further Charges That:

Between on or about June 16, 1987 and June 18, 1987, in the Western District of New York and elsewhere, the defendant, DAVID C. MADAY, did knowingly cause to be delivered by mail according to the direction thereon and at the place at which it is directed to be delivered to the addressee, DAVID C. MADAY, a certain

non-mailable item, namely, a videocassette entitled "Pissing Lolita" which video is obscene, lewd, lascivious, indecent, filthy and vile of which the defendant, DAVID C. MADAY, had knowledge as to the nature and character; all in violation of Title 18, United States Code, Section 1461.


DENNIS C. VACCO
United States Attorney

A TRUE BILL:


FOREPERSON

No. _____

UNITED STATES DISTRICT COURT

WESTERN District of NEW YORK

Division

THE UNITED STATES OF AMERICA

vs.

DAVID C. MADAY

SUPERSEDING INDICTMENT

A true bill.

Heckler

foreman.

Filed in open court this _____ day
of _____, A.D. 19_____

Clerk

Bail, \$ _____

David Maday
5 Brittany Lane,
Buffalo, New York 14222

Received Under Test Name

JAN 12 1987

Date.....19.....

R. J. Maday, President

Far Eastern Trading LTD
Post Office Box 3071
Frederiksted, St. Croix
U.S. Virgin Islands 00840

|||||



D.C. Maday
5 Brittany Lane
Buffalo, New York 14222

Order:

Pissing Lolita VHS	99.95
Lover Boys #6 VHS	175.00
Torrid Tots #1	10.00
Children Love #1	12.00

All #1 choices	\$ 296.95
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EXHIBIT No. 4

00023

Dear Friends,

This letter is in response to complaints and inquiries that our company has received about our lack of filling orders requested by you, our valued customers. I will give you a short synopsis for what occurred to our merchandise.

Far Eastern entered into a contract with a steam ship company to carry a container aboard one of their vessels leaving Hong Kong in January and arriving at our Caribbean address in mid-February. The ship was to travel through the Panama Canal and it's first stop was to be the Virgin Islands. On February 15, 1987, we were advised that the vessel had deviated from it's original travel route and had stopped in Valparaiso, Chile. The Chilean authorities inspected the cargo and seized our container. We have contacted a Chilean solicitor who advised us that we can probably have our container released after we litigate the matter in their courts. He advised that the process will be slow and could take over a year. Since we have to negotiate with a fascist regime, we feel that his estimate is probably very optimistic.

Please, do not be concerned about your names or addresses being disclosed since no shipping documents or mailing labels were in the container. However, we have secured additional merchandise and you will be receiving a new catalogue offering some of our old and new merchandise. Please, bear with us, this incident and resulting problems have been thrust upon us due to circumstances beyond our control. We at Far Eastern only want to be recognized by you as a reputable company that will conduct business in a professional manner and we want to assure you that we will get your merchandise to you.

FOR THE COMPANY



PETER HARCOURT-SMYTHE

EXHIBIT NO. 5

00024



D.C. Maday
5 Brittany Lane
Buffalo, NY 14222

Dear Friend,

Your order has been received and will be completely or partially filled and mailed by 6/11/87.

The order will be sent: Registered Mail, Express Mail, Special Delivery/COD, Parcel Post

The order being shipped is for Video cassette - KV-330.

The cost is \$105.95 (includes postage & handling)

Far Eastern Trading, Ltd.

EXHIBIT No. 6